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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,118	06/26/2006	Yukihisa Yamashina	116692008200	8983
25227 7590 10/19/2009 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102				
EXAMINER BORSETTL, GREG				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/539,118

**Applicant(s)**

YAMASHINA, YUKIHISA

**Examiner**

GREG A. BORSETTI

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 7 and 9-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 7 and 9-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 7/16/2009
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. Claims 1, 7 and 9-11 are pending.
2. Claims 2-5 have been canceled.
3. Claims 1, 10, and 11 have been amended.
4. Refer to advisory action 7/17/2009 for responses to remarks 7/13/2009.

***Continued Examination Under 37 CFR 1.114***

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/12/2009 has been entered.

***Information Disclosure Statement***

6. The Information Disclosure Statement (IDS) submitted on 7/16/2009 is in compliance with the provisions of 37 CFR 1.97.

***Claim Objections***

7. Claim 9 is objected to because of the following informalities: The first limitation of claim 9 appears to have been incorporated into claim 1. Therefore, it is no longer

necessary in claim 9. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 7, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heyn. (NPL document "Integrating Machine Translation into Translation Memory Systems") in view of Lu et al. (NPL Document "LabelTool A Localization Application for Devices with Restricted Display Areas") and further in view of D'Agostini (US Pre-Grant Publication #20030040900)

As per claim 1, Heyn teaches:

a text analyzing section for analyzing and dividing original text to be translated into a plurality of text elements; (Page 119, ...*This approach has the advantage that the segmentation process is performed by the TMS...*a segmentation is performed on the text, therefore it has been analyzed and divided into elements for translation.)

a first memory which stores the plurality of text elements; (Page 119, Fig .1 shows a Trados which is operable in Windows for subsequent machine

translation. For a machine translation to occur, the segments must have been stored in a memory.)

a past-translation data storing section which stores past-translation data comprising previously translated text elements and corresponding proofread translations, wherein the previously translated text elements and corresponding proofread translations are stored in association with each other;

(Page 116, ...*A TMS stores in a computer all translations made by a translator. In case of re-translation, these translations are retrieved automatically...*)

a draft-translation producing section for producing draft translations for each text element stored in said first memory based on the past-translation data; (Page 123, section 5.2-5.3, there is an automatic draft machine translation based on the TMS term bank.)

a determining section for determining based on the draft translation produced, whether or not each draft translation requires further translation and proofreading; (Page 124, ...*When the translator now confirms the translation, it will be stored in the translation memory...* The user determines whether the translation is suitable.)

a second memory which stores, in association with each of the text elements stored in said first memory, the draft translation of text element produced by said draft-translation producing section in either a data field for storing draft translation requiring further translation and proofreading or a data field for storing draft translation not requiring further translation and proofreading based on determination made by said determining section, so as to identify whether or not the draft translation requires further

translation and proofreading; (Page 121 – 122, Fig. 5, ...*If the translator now corrects the wrong proposal of the MT system and stores it in the TM, the next time the translation is needed, the corrected version of the sentence will automatically be presented by the translation memory...*)

a draft-translation outputting section for outputting, to the translator terminal, in response to a request sent by the translator terminal that designates one of said text elements, draft-translation information that is to be displayed by the translator terminal including: the designated text element, the draft translation of said text element read out from said second memory, and an indication, for each text element, of whether or not the text element requires translation and proofreading determined based on which data field of said second memory the draft translation is stored in; (Heyn teaches a combination TMS/MT software package for human assisted translation. Heyn, Pages 121-122 and Fig. 5 teaches that the translator terminal outputs the request for a draft translation including the text element ("After the wash"), the draft translation from the second memory ("Après le se laver"), and an indication for each text element of whether or not the text element requires translation and proofreading determined based on which data field of said second memory the draft translation is stored in, (the proposal is color distinguished and if many differences are present to the source segment, that is an indication that translation has not been performed correctly and further proofreading should occur).)

a translation receiving section for receiving, from said translator terminal, translations supplied by said translator terminal in response to the translator inputting to

the translator terminal, the translation of said text elements based on the outputted draft-translation information; (Page 121 – 122, Fig. 5, ...*If the translator now corrects the wrong proposal of the MT system and stores it in the TM, the next time the translation is needed, the corrected version of the sentence will automatically be presented by the translation memory...*)

a third memory which stores, in association with the text elements stored in said first memory, the translations received by said translation receiving section; (Page 121 – 122, Fig. 5, ...*If the translator now corrects the wrong proposal of the MT system and stores it in the TM, the next time the translation is needed, the corrected version of the sentence will automatically be presented by the translation memory...* if a translator can edit the translations, they inherently need to be stored in memory because Heyn operates in a computer environment.)

Heyn fails to specifically teach, but Lu teaches:

a translation outputting section for outputting, to said proofreader terminal, translation information that is to be displayed by the proofreader terminal in response to a request sent by the proofreader terminal that designates one of said text elements, said translation information including: the designated text element and the translation of said text element saved in said third memory, wherein said translation is indicated as being a subject for proofreading; (Heyn, Pages 121-122 and Fig. 5 teaches that the terminal has a proposal that is color distinguished and shows differences between the result and the source sentence to indicate that translation has not been performed

correctly and further proofreading should occur. The user also performs proofreading in Heyn and thus Heyn does not teach separate terminals for translation and proofreading. Lu further teaches text translation and text validation (proofreading) in a distributed scheme. Lu, Page 207, Processing, teaches that translators perform their translation, and the validators make suggested changes to the translation. Different types of changes are shown in different colors.)

a proofread-translation receiving section for receiving, from said proofreader terminal, proofread translations supplied by said proofreader terminal in response to inputs provided by the proofreader, the proofread translations being based on the translation information output to the proofreader terminal; and (Heyn provides the original translation and proofreading by a user but fails to teach a separate terminal for proofreading/translation. Heyn does teach a proofread translation is received by a user, Page 121, and it would have been obvious to someone of ordinary skill in the art that Lu, Page 207, would provide distributed proofreading for Heyn.)

wherein said past-translation data storing section stores, in association with each other, the text elements and the proofread translations received by said proofread-translation receiving section; and (Heyn, Pages 121-122 and Fig. 5 teaches that the terminal user can correct that proposal of the MT system and the changes are stored in the TM. It would have been obvious to someone of ordinary skill in the art that the Lu distributed system would also update the TM so that a corrected version of the sentence would automatically be presented by the translation memory (Heyn, 122).)



It would have been obvious to someone of ordinary skill in the art at the time of the invention to combine Lu with the Heyn device to use distributed translation and validation in devices with restricted displays such as cellular telephones for wireless translation capabilities in areas where a PC is not available.

Heyn and Lu fail to specifically teach, but D'Agostini teaches:

a translation counting section for counting the number of text elements stored in at least one of said first memory, said second memory, said third memory, and said past-translation data storing section; (D'Agostini, ¶ 0247, ...*the word counting...* D'Agostini teaches the use of a GUI where a word counting option is available on the control bar. It would have been obvious to someone of ordinary skill in the art that this control bar would be available in any editable text window.)

wherein said draft-translation outputting section and said translation outputting section each outputs to said translator terminal and to said proofreader terminal, respectively, the number of text elements of at least one of the original text, the draft-translation, the translation, and the proofread translations counted by said translation counting section. (Heyn, Fig. 5 teaches that the translation proposal is shown in window. D'Agostini, ¶ 0247, teaches the use of a GUI where a word counting option is available on the control bar, where it would have been obvious to someone of ordinary skill in the art that this control bar would be available in any editable text window. Therefore, it also would have been obvious to someone of ordinary skill in the

art at the time of the invention that D'Agostini could have been used to count the word segments in the translation proposal window.)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to try the combination of D'Agostini with the Lu and Heyn device to improve ease of use because "the main purpose of the present invention is to use the automatic or interactive-semiautomatic computer translation but with strong reduction of the translation time and with the maximum obtainable quality with the intervention of the same skilled-operator." (D'Agostini, ¶ 0126)

As per claim 7, claim 1 is incorporated and Heyn suggests:

further comprising a fifth memory which stores a draft translation determined not to require translation or proofreading. (Heyn, Pages 121-122 teaches that a user may correct proposals such that the corrections are stored in the translation memory. However, it would have been obvious that if the user accepts the proposal, then the TM could also update based on the MT if the lexicon's aren't shared, Section 5.1-5.2)

As per claim 9, claim 1 is incorporated and Heyn teaches:

further comprising a text analyzing section for analyzing and dividing the original text into the plurality of text elements and storing the text elements in said first memory,

(Page 119, ...This approach has the advantage that the segmentation process is performed by the TMS...a segmentation is performed on the text, therefore it has been analyzed and divided into elements for translation.)

wherein said translation outputting section further reads out and outputs translations corresponding to the predetermined number of text elements preceding and/or succeeding the designated text element to said proofreader terminal.  
(Heyn, Fig. 8, the entire translation is shown for proofreading to show despite that special is the designated text element.)

As per claim 10, Heyn and Lu fail to specifically teach, but D'Agostini teaches:

a color information storing section for storing color-designating information designating display colors of an original text, a draft translation, a translation inputted by the translator and a proofread translation inputted by the proofreader, respectively;  
(D'Agostini, ¶ 0169, ...*the system provides automatically the conversion of their writing in bold or italic or different color...*It would have been obvious to someone of ordinary skill in the art at the time of the invention that the colors could be used to differentiate the translation texts. The color schemes would inherently be stored in memory.)

wherein said translation outputting section is one for instructing said translator terminal and/or said proofreader terminal to output the original text, the draft translation, the translation inputted by the translator, and the proofread translation inputted by the proofreader, in accordance with the color designating information stored in said color information storing section (D'Agostini, ¶ 0169, ...*the system provides*

*automatically the conversion of their writing in bold or italic or different color...*It would have been obvious to someone of ordinary skill in the art at the time of the invention that the colors could be used to differentiate the translation texts. The color schemes would inherently be stored in memory.)

It would have been obvious to someone of ordinary skill in the art at the time of the invention to try the combination of D'Agostini with the Lu and Heyn device to improve ease of use because "the main purpose of the present invention is to use the automatic or interactive-semiautomatic computer translation but with strong reduction of the translation time and with the maximum obtainable quality with the intervention of the same skilled-operator." (D'Agostini, ¶ 0126)

Claim 11 is rejected for similar reasons to claim 1 for having similar limitations. The additional limitation of a computer readable recording medium storing a translation support program is taught by Heyn, Fig. 1, where the TRADOS Translator's Workbench is executed in Windows which would inherently require a computer readable medium to execute the TRADOS software.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to PTO-892, Notice of References Cited for a listing of analogous art.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREG A. BORSETTI whose telephone number is (571)270-3885. The examiner can normally be reached on Monday - Thursday (8am - 5pm Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHMOND DORVIL can be reached on 571-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg A. Borsetti/  
Examiner, Art Unit 2626

/Talivaldis Ivars Smits/  
Primary Examiner, Art Unit 2626

10/14/2009